

MAINE STATE LEGISLATURE

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L.D. 1861

(Filing No. S-639)

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STATE OF MAINE
SENATE
115TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 696, L.D. 1861, Bill, "An Act to Expand the Membership of the Animal Welfare Board"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Animal Welfare Laws'

Further amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Animal Welfare Board has many powers and duties; and

Whereas, effective use of these powers and performance of these duties are essential to animal welfare in this State; and

Whereas, full-time humane agents are essential to enforcement of animal welfare laws; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-G, sub-§3, as enacted by PL 1987, c. 786, §5, is repealed.

COMMITTEE AMENDMENT

Sec. 2. 5 MRSA §12004-I, sub-§§2-B and 2-C are enacted to read:

2	<u>2-B.</u>	<u>Animal Wel-</u>	<u>Expenses</u>	<u>7 MRSA</u>
4	<u>Agriculture</u>	<u>fare Board</u>	<u>Only</u>	<u>§3903-A</u>
6	<u>2-C.</u>	<u>Animal Wel-</u>	<u>Expenses</u>	<u>7 MRSA</u>
8	<u>Agriculture</u>	<u>fare Advisory</u>	<u>Only</u>	<u>§3906-C</u>
		<u>Committee</u>		

Sec. 3. 7 MRSA §3903, as amended by PL 1991, c. 267, §1, is repealed.

Sec. 4. 7 MRSA §3903-A is enacted to read:

§3903-A. Animal Welfare Board; membership

The Animal Welfare Board, as established by Title 5, section 12004-I, subsection 2-B, is an independent board. The department shall provide office space for the board.

1. Designated members. The board consists of 5 members appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over agricultural matters and confirmation by the Legislature. The membership must consist of:

A. Two members representing humane societies. In making the appointments, the Governor shall consider nominations made by humane societies incorporated under the law, except that not more than one member may represent a particular society;

B. Two members representing the general public; and

C. One veterinarian with experience in both large and small animal practice who is or has been licensed to practice in this State. In making the appointment, the Governor shall consider nominations made by the Maine Veterinary Medical Association. A veterinarian is not eligible for membership on the board if the license of the veterinarian has ever been suspended or revoked by the Administrative Court pursuant to Title 32, chapter 71-A.

2. Compensation. Members of the board are entitled to expenses only.

Sec. 5. 7 MRSA §3904, as enacted by PL 1987, c. 383, §3, is amended to read:

2 **§3904. Terms of office**

4 Except for initial appointees ~~and the state member~~, each
6 member ~~shall serve~~ serves for a term of ~~4~~ 3 years or until his
8 a successor has qualified. In the case of a vacancy for any
 reason, the Governor shall appoint a member to fill the unexpired
 term.

10 **1. Initial terms of office.** Initially, ~~3~~ 2 appointed
12 members shall serve for one year; 2 members serve for 2 years; 2
14 members and one member serves for 3 years; ~~and 2 members for 4~~
 years, provided that no more than one member represents the same
 interest group in the same class.

16 **Sec. 6. 7 MRSA §3905**, as enacted by PL 1987, c. 383, §3, is
18 amended to read:

20 **§3905. Administration**

22 The board shall elect one of its members as chairman chair.
24 The chair serves for a 2-year period and may not serve as chair
 for consecutive 2-year periods.

26 The board shall hold regular monthly meetings, but may
28 waive, by majority vote, a succeeding monthly meeting. The
 chairman chair shall call special meetings of the board whenever
 requested in writing by 2 or more members.

30 **Sec. 7. 7 MRSA §3906**, as amended by PL 1991, c. 267, §§2 and
32 3, is repealed.

34 **Sec. 8. 7 MRSA §3906-A** is enacted to read:

36 **§3906-A. Powers and duties of board**

38 The board has the powers and duties set forth in this
 section.

40 **1. Cruelty to pet animals.** The board, in cooperation with
42 animal control officers, shall investigate complaints of cruelty
44 to pet animals and enforce cruelty-to-animal laws in accordance
46 with chapter 739 and Title 17, chapter 42 when the animal
48 affected is a pet animal as defined in section 3907. The
 Attorney General and the district attorneys shall assist the
 board with its enforcement responsibilities. The board may apply
 to the commissioner for the assistance of state veterinarians.

50 **2. Employees.** The board shall appoint intermittent humane
 agents as necessary to assist the board in carrying out its

2 duties and responsibilities. The board shall train and
3 coordinate efforts of intermittent agents. These intermittent
4 agents are unclassified employees whose training, compensation
5 and hours of employment are determined by the board. The
6 jurisdiction of each intermittent humane agent extends throughout
7 the State.

8 3. Spaying and neutering fund. The board may accept funds
9 from any private or public source for the purpose of subsidizing
10 spaying and neutering. The board shall deposit all funds
11 accepted for this purpose in a separate, nonlapsing spaying and
12 neutering account. The board shall establish guidelines for
13 payments and make payments from the fund. All payments from the
14 fund must be used to subsidize spaying and neutering of dogs and
15 cats.

16 4. Information. The board may obtain, develop or
17 disseminate any information useful or convenient for carrying out
18 any purpose or power of the board.

19 5. Annual report. The board shall report annually by March
20 1st to the joint standing committee of the Legislature having
21 jurisdiction over agricultural matters on the activities of the
22 board. This report must include a summary of cases of cruelty to
23 pet animals investigated by the board and an account of deposits
24 into and payments from the spaying and neutering fund.

25 Sec. 9. 7 MRSA §3906-B is enacted to read:

26 §3906-B. Powers and duties of commissioner

27 The commissioner has the powers and duties set forth in this
28 section.

29 1. Dog licensing laws. The commissioner shall carry out
30 the dog licensing laws and furnish to municipalities all license
31 blanks and tags.

32 2. Animal Welfare Fund. The commissioner shall deposit all
33 license fees received pursuant to chapters 719, 721, 723, 725
34 and 743 in a separate account established by the Treasurer of
35 State and known as the Animal Welfare Fund. This account does
36 not lapse, but continues from year to year. The commissioner
37 shall pay from the Animal Welfare Fund the expense of furnishing
38 blanks and tags, travel expenses and salaries for necessary
39 personnel, payments to shelters and expenses incurred in the
40 administration of this Part.

41 3. Dog recorders. The commissioner shall appoint dog
42 recorders in unorganized territories and establish fees for
43 services rendered.

2 **4. Training and certification of animal control officers.**
3 The commissioner shall develop a program to train animal control
4 officers. This program must include training in investigation of
5 complaints of cruelty to pet animals and training in enforcement
6 of dog licensing laws and rabies immunization laws. The
7 commissioner shall certify all animal control officers who
8 complete the training program and all persons who have been
9 employed full time in the capacity of animal control officer for
10 a period of one year or longer prior to the effective date of
11 this subsection.

12 **5. Cruelty to animals.** The commissioner shall refer all
13 complaints of cruelty to pet animals received by the department
14 to the board. The commissioner shall refer all other complaints
15 of cruelty to animals to the appropriate division within the
16 department for investigation.

17 **6. Inspections.** The commissioner shall inspect licensed
18 facilities as provided in chapters 719, 723 and 743.

19 **7. Payment of fees.** The commissioner may authorize
20 payments to providers of special services to animals when the
21 commissioner determines those services are in the public interest.

22 **8. Copies of law.** The commissioner shall seasonably
23 forward to the clerks of municipalities copies of this Part.

24 **9. Employees.** The commissioner shall employ personnel,
25 subject to the Civil Service Law, as necessary to assist in
26 enforcing this Part and in carrying out the duties and
27 responsibilities of the department. The commissioner, in
28 consultation with the board, shall employ, subject to the Civil
29 Service Law, one full-time humane agent to assist the board in
30 carrying out its duties and responsibilities.

31 **10. Rules.** Pursuant to Title 5, chapter 375, the
32 commissioner shall adopt, amend and repeal rules, including
33 emergency rules, necessary for the proper administration,
34 implementation, enforcement and interpretation of any provision
35 of law that the commissioner is charged with administering.

36 **Sec. 10. 7 MRSA §3906-C is enacted to read:**

37 **§3906-C. Animal Welfare Advisory Committee**

38 The Animal Welfare Advisory Committee, as established by
39 Title 5, section 12004-I, subsection 2-C, shall advise the
40 commissioner on matters pertaining to animal welfare.

2 1. Membership. The committee consists of 6 members
3 appointed by the Governor and subject to review by the joint
4 standing committee of the Legislature having jurisdiction over
5 agricultural matters and confirmation by the Legislature. The
6 Governor shall appoint members as follows:

8 A. One municipal clerk;

10 B. One animal control officer;

12 C. One member representing licensed animal shelters;

14 D. One member representing licensed boarding or breeding
15 kennels;

16 E. One member representing licensed pet shops; and

18 F. One member representing humane societies.

20 2. State member. The commissioner or the commissioner's
21 designee serves as an ex officio, nonvoting member.

24 3. Compensation. Members of the committee are entitled to
25 expenses only.

26 4. Terms of office. Except for initial appointees and the
27 state member, each member serves for a term of 3 years or until
28 the member's successor has qualified. In the case of a vacancy
29 for any reason, the Governor shall appoint a member to fill the
30 unexpired term.

32 5. Initial terms of office. Initially, 2 appointed
33 members serve for one year, 2 members serve for 2 years and 2
34 members serve for 3 years.

36 6. Administration; meetings. The committee shall elect one
37 of its members as chair. The chair serves for a 2-year period
38 and may not serve as chair for consecutive 2-year periods.

39 The committee shall hold regular monthly meetings but may waive
40 by majority vote a succeeding monthly meeting. The chair shall
41 call special meetings of the committee whenever requested in
42 writing by 2 or more members.

44 Sec. 11. 7 MRSA §3907, sub-§5, as enacted by PL 1987, c. 383,
45 §3, is amended to read:

46 5. Animal control shelter. "Animal control shelter" means
47 the an animal shelter designated by municipal officers in
48 accordance with section 3949.

2 **Sec. 12. 7 MRSA §3907, sub-§§5-A, 8-A and 12-A** are enacted to
4 read:

6 **5-A. Animal shelter.** "Animal shelter" means a facility
8 that includes a physical structure or part of a physical
10 structure that provides temporary or permanent shelter to stray,
12 abandoned, abused or owner-surrendered animals. "Animal shelter"
14 includes animal control shelters as defined in subsection 5.

16 **8-A. Breeding kennel.** "Breeding kennel" means a kennel
18 operated for the purpose of breeding or buying, selling or in any
20 way exchanging dogs that exchanges more than 12 dogs in a
22 12-month period.

24 **12-A. Equine facility.** "Equine facility" means a boarding
26 stable or commercial riding facility that requires a license
28 under section 4102.

30 **Sec. 13. 7 MRSA §3907, sub-§15,** as enacted by PL 1987, c. 383,
32 §3, is repealed and the following enacted in its place:

34 **15. Humane agent.** "Humane agent" means an employee of the
36 department or an intermittent employee of the board who assists
38 in enforcing this Part.

40 **Sec. 14. 7 MRSA §3907, sub-§§15-A and 22-A** are enacted to read:

42 **15-A. Humane society.** "Humane society" means a nonprofit
44 group or organization incorporated for the purpose of providing
46 physical service directly to abused and abandoned animals,
48 improving the conditions of animals, providing education
50 concerning animals or fund-raising to promote animal welfare.

52 **22-A. Pet animal.** "Pet animal" means an animal kept by a
54 private individual and not excluded by this subsection. "Pet
56 animal" includes dogs kept in a kennel as defined in subsection
58 17. "Pet animal" does not include an animal kept and used by a
60 commercial farmer, a harness racing horse or animal used in a
62 pulling event. "Pet animal" does not include an animal kept in a
64 boarding kennel, breeding kennel, animal control shelter, equine
66 facility or pet shop.

68 **Sec. 15. 7 MRSA §3909,** as enacted by PL 1987, c. 383, §3, is
70 amended to read:

72 **§3909. Enforcement**

2 Whenever, in the judgment of the board commissioner, any
3 person has engaged in or is about to engage in any acts or
4 practices which that constitute or will constitute a violation of
5 this Act or any rule, order, license, permit, approval or
6 decision of the board commissioner or decree of court, as the
7 case may be, the Attorney General, at the request of the board
8 commissioner, may institute proceedings before the District Court
9 or Superior Court for an order enjoining those acts or practices,
10 for an order directing compliance or a civil or criminal action
11 or any appropriate combination of actions. Upon a showing by the
12 board commissioner that the person has engaged or is about to
13 engage in any such act or practice, the court may grant a
14 permanent or temporary injunction, restraining order or other
15 order as appropriate.

16
17 Whenever, in the judgment of the board, a person has engaged
18 in or is about to engage in acts or practices that constitute or
19 will constitute a violation of chapter 739 or Title 17, chapter
20 42 as the provisions of those chapters apply to pet animals, the
21 Attorney General, at the request of the board, may institute
22 proceedings before the District Court or the Superior Court for
23 an order enjoining those acts or practices, for an order
24 directing compliance or a civil or criminal action or any
25 appropriate combination of actions. Upon a showing by the board
26 that the person has engaged or is about to engage in any such act
27 or practice, the court may grant a permanent or temporary
28 injunction, restraining order or other order as appropriate.

29 **Sec. 16. 7 MRSA §3912**, as amended by PL 1987, c. 643, §1, is
30 further amended to read:

31
32 **§3912. Disposition of dogs at large**

33
34 Any animal control officer or person acting in that capacity
35 shall seize, impound or restrain any dog found in violation of
36 section 3911 and deliver it to any an animal control shelter as
37 provided for in section 3913, subsection 2 2-A, or shall take the
38 dog to its owner, if known. If ownership ~~cannot~~ can not be
39 established, such animals may be handled as strays for the
40 purposes of acceptance by an approved shelter.

41
42 **Sec. 17. 7 MRSA §3912-A** is enacted to read:

43
44 **§3912-A. Animal shelter**

45
46 **1. License necessary.** A person operating an animal shelter
47 as defined in section 3907, subsection 5-A shall obtain a license
48 from the department. The license expires December 31st annually.

2 2. License fee. The license fee for an animal shelter is
3 \$25, except that the license fee for an animal shelter operated
4 by an incorporated nonprofit organization is \$10.

6 3. Inspection. The commissioner, a state humane agent or a
7 veterinarian employed by the State, at any reasonable time, may
8 enter any animal shelter and make examination and conduct any
9 recognized test for the existence of any contagious or infectious
10 disease or condition. The department may inspect animal shelters
11 to determine compliance with the department's sanitation, health
12 and other rules.

14 A veterinarian employed by the State or any licensed veterinarian
15 may quarantine an animal shelter in person or by registered mail
16 and the quarantine is maintained as long as the department
17 determines necessary. The decision and order for this quarantine
18 is not considered licensing or an adjudicatory proceeding under
19 the Maine Administrative Procedure Act.

20 **Sec. 18. 7 MRSA §3913, sub-§1,** as enacted by PL 1987, c. 383,
21 §3, is amended to read:

24 **1. Persons finding dogs.** Any person finding a sick, stray,
25 injured or abandoned dog may take that dog to any animal shelter
26 within the State.

28 **Sec. 19. 7 MRSA §3913, sub-§2,** as enacted by PL 1987, c. 383,
29 §3, is repealed.

30 **Sec. 20. 7 MRSA §3913, sub-§2-A** is enacted to read:

32 2-A. Animal control shelters. An animal control shelter,
33 as defined in section 3907, to which a sick, stray, injured or
34 abandoned dog is taken, shall accept the dog for a period of 6
35 days, unless the shelter is in quarantine or has a bona fide lack
36 of adequate space or unless the dog has or is suspected of having
37 a contagious disease. The acceptance entitles the animal control
38 shelter to receive from the department the sum of \$2.50 a day for
39 the period for which food and shelter are furnished to the dog.
40 An animal control shelter may refuse to accept dogs from
41 municipalities not contracting with that shelter.

44 **Sec. 21. 7 MRSA §3913, sub-§§3, 4 and 5,** as enacted by PL 1987,
45 c. 383, §3, are amended to read:

46 **3. Claims; fees.** The procedure for filing claims and
47 calculating fees shall be is as follows.

50 A. On the business day next following the date of
 acceptance of the dog, the animal control shelter shall

COMMITTEE AMENDMENT "A" to S.P. 696, L.D. 1861

2 notify the clerk of the respective municipality of the
acceptance of the dog, its description and the circumstances
of its finding.

4
6 B. -A- An animal control shelter which that accepts a dog
under this section, within 45 days of acceptance of the dog,
shall submit a claim on a beard-approved department-approved
8 form to the clerk of the respective municipality for fees
incurred in providing food and shelter and, upon
10 verification of proper notification and holding period by
the clerk, the animal control shelter shall forward the
12 claim to the beard department.

14 C. If the owner claims the dog within the 8-day 6-day
period, the owner may have and receive the dog upon payment
16 of all beard-approved department-approved fees as provided
in subsection 2 2-A, provided that the dog is licensed in
18 accordance with chapter 721.

20 4. Ownership of dog. Upon expiration of the 8-day 6-day
period, ownership of the dog shall is vested in the animal
22 control shelter. The animal control shelter may then:

24 A. Sell or give away the dog, provided that a license is
first obtained in accordance with section 3922; or

26 B. Otherwise dispose of the dog humanely in accordance with
28 Title 32, section 4872.

30 ~~None of the proceeds obtained from the sale, donation,~~
~~adoption or other disposition of the dog shall be deducted~~
32 ~~from the fee claimed.~~

34 ~~Notwithstanding subsection 3, paragraph C, the previous~~
~~owner may reacquire the dog at any time prior to its sale,~~
36 ~~donation or disposal upon payment of the municipal~~
~~impoundment fee and actual fees incurred for food, shelter,~~
38 ~~veterinary care and any other fees required by this chapter~~
~~for each day that the dog has been sheltered. In this case~~
40 ~~no fee may be allowed by the beard.~~

42 None of the proceeds obtained from the sale, donation, adoption
or other disposition of the dog may be deducted from the fee
44 claimed.

46 Notwithstanding subsection 3, paragraph C, the previous owner may
reacquire the dog at any time prior to its sale, donation or
48 disposal upon payment of the municipal impoundment fee and actual
fees incurred for food, shelter, veterinary care and any other
50 fees required by this chapter for each day that the dog has been
sheltered. In this case, no fee may be allowed by the department.

2 **5. Euthanasia for sick or injured dogs.** A veterinarian may
3 authorize in writing euthanasia of a sick or injured dog received
4 by ~~him~~ the veterinarian, by a humane agent or by -a- an animal
5 shelter within the State if:

6 A. Forty-eight hours have elapsed since receipt of the sick
7 or injured dog by ~~him~~ the veterinarian, by the humane agent
8 or by -a- an animal shelter;

9 B. The clerk of the respective municipality has been
10 notified of the dog's presence in accordance with subsection
11 3, paragraph A, and the owner of the dog, if known, has been
12 notified;

13 C. The dog is not rabid or suspected of rabies; and

14 D. The dog's recovery from its sickness or injury, given
15 reasonable time and reasonable care, is doubtful.

16
17 Notwithstanding paragraphs A to D, a veterinarian may authorize
18 immediate euthanasia if, in his the veterinarian's judgment,
19 there is no possibility of recovery for a sick or injured dog.

20
21 **Sec. 22. 7 MRSA §3913, sub-§§8 and 9,** as enacted by PL 1987, c.
22 383, §3, are repealed.

23 **Sec. 23. 7 MRSA §3914,** as enacted by PL 1987, c. 383, §3, is
24 amended to read:

25 **§3914. Purchase and sale of dogs**

26
27 Shelters, kennels, breeding kennels, boarding kennels and
28 pet shops engaged in buying or selling dogs shall keep records of
29 the buyer and seller in each transaction for a 2-year period
30 commencing at the time of purchase or sale. The records shall
31 must be open to inspection by the ~~board~~ department or law
32 enforcement officers.

33 **Sec. 24. 7 MRSA §3915** is enacted to read:

34 **§3915. Violation**

35 Any person who violates this chapter commits a civil
36 violation for which a forfeiture of not less than \$25 nor more
37 than \$100 may be adjudged.

38 **Sec. 25. 7 MRSA c. 720** is enacted to read:

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CHAPTER 720

RABIES PREVENTION

§3916. Rabies vaccinations

1. Required for cats. An owner or keeper of a cat over 3 months of age shall have that cat vaccinated against rabies. Rabies vaccine must be administered by a licensed veterinarian or under the supervision of a licensed veterinarian. An owner or keeper of a cat that is vaccinated after one year of age shall get booster vaccinations for that cat every 2 years thereafter. A cat vaccinated prior to one year of age is considered protected for one year and an owner or keeper of that cat shall get a booster vaccination for that cat one year after the initial vaccination and every 2 years thereafter.

2. Certificate. A licensed veterinarian who vaccinates or supervises the vaccination of a cat shall issue to the owner or keeper a vaccination certificate.

3. Enforcement. A humane agent, an animal control officer or a law enforcement officer may ask an owner or keeper of a cat to present proof of vaccination. A certificate of vaccination issued in accordance with subsection 2 is proof of vaccination. Notwithstanding section 16, there is no penalty for a violation of this section.

4. Exception. Notwithstanding any provision of this chapter, an animal shelter operated by a nonprofit organization is not required to vaccinate an abandoned or stray cat received by the shelter.

§3917. Antirabies clinics

The following provisions apply to low-cost antirabies clinics.

1. Clinic establishment. The department shall assist in the establishment of low-cost antirabies clinics, to be offered at locations and on dates as appropriate. In assisting in the establishment of antirabies clinics, the department shall cooperate with local veterinarians and local organizations.

2. Veterinarians participating in low-cost antirabies clinics. This subsection applies to a veterinarian licensed under Title 32, chapter 71-A or an assistant under the direction of the veterinarian providing professional services within the scope of the veterinarian's license who participates in a

2 low-cost antirabies clinic established under this section.
3 Adherence by the veterinarian or assistant to the standards of
4 care within the profession creates a rebuttable presumption that
5 the conduct of the veterinarian or assistant was not negligent.

6 **Sec. 26. 7 MRSA §3923, sub-§1, ¶A,** as amended by PL 1991, c.
7 591, Pt. S, is further amended to read:

8
9 A. A fee of \$6.50 must be paid to the municipal clerk for
10 each a license on all ~~dogs~~ a dog 6 months of age or older
11 capable of producing young, ~~of which \$1 must be transferred~~
12 ~~to the Treasurer of State to be deposited as undedicated~~
13 ~~revenue to the General Fund.~~ The municipal clerk shall pay
14 all fees received for dogs capable of producing young to the
15 department for deposit in the Animal Welfare Fund. All dogs
16 are A dog is considered capable of producing young, unless:

17 (1) A veterinarian issues a written certificate
18 stating that the veterinarian made the dog incapable of
19 producing young by spaying, if female, or by
20 sterilization, if male;

21 (2) A veterinarian issues a written certificate that,
22 upon examination, the dog is incapable of producing
23 young; or

24 (3) By previous registration, the owner has declared
25 that the dog is incapable of producing young.

26
27 When such certificate or registration accompanies the
28 application, a fee of \$3 must be paid for each license, of
29 which \$2 ~~\$1~~ is retained by the municipality in accordance
30 with section 3945 and ~~\$1 must be transferred to the~~
31 ~~Treasurer of State to be deposited as undedicated revenue to~~
32 ~~the General Fund~~ \$2 is paid to the department for deposit in
33 the Animal Welfare Fund; and

34
35 **Sec. 27. 7 MRSA §3931, sub-§§2 and 3,** as enacted by PL 1987, c.
36 383, §3, are amended to read:

37
38 **2. Determination of fees.** License and recording fees are
39 determined according to the number of dogs kept.

40
41 A. When the number of dogs kept over 6 months of age does
42 not exceed 10, the fee for the license ~~shall be \$15~~ is \$20
43 and, in addition, \$1 for each license as a fee for recording
44 and making the monthly report required by the board
45 department.

2 B. When the number of dogs kept over 6 months of age
exceeds 10, the fee for the license shall-be-\$30 is \$40 and,
4 in addition, \$1 for each license as a fee for recording and
making the monthly report required by the board department.

6
8 3. Kennel tags. Dogs covered by a kennel license shall
must be furnished suitable kennel tags as prescribed by the board
department and shall are not be required to be individually
10 licensed.

12 Sec. 28. 7 MRSA §3931-A is enacted to read:

14 §3931-A. Breeding kennels

16 1. License necessary. A person maintaining a breeding
kennel, as defined in section 3907, subsection 8-A, shall obtain
18 a license from the department. The license expires December 31st
annually or in a manner consistent with the license provisions of
20 the Maine Administrative Procedure Act, whichever is later.

22 2. License fees. The fee for a breeding kennel license is
\$50.

24 3. Dog licenses. Nothing in this section may be construed
26 to exempt breeding kennel operators from the license requirements
of chapter 721.

28 Sec. 29. 7 MRSA §3932, sub-§§1 and 2, as enacted by PL 1987, c.
30 383, §3, are amended to read:

32 1. License necessary. Any person maintaining a boarding
kennel shall obtain a license from the board department. The
34 license shall--expire expires December 31st annually or in a
manner consistent with the license provisions of the Maine
36 Administrative Procedure Act, Title-5,--chapter-375, whichever is
later.

38 2. License fees. The fee for a boarding kennel license
40 shall-be-\$25 is \$50.

42 Sec. 30. 7 MRSA §3933, as enacted by PL 1987, c. 383, §3, is
amended to read:

44 §3933. Pet shops

46 1. License necessary. Any person maintaining a pet shop
48 shall obtain a license from the board department. The license
shall--expire expires December 31st annually or in a manner

consistent with the license provisions of the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~, whichever is later.

2. License fees. The fee for a pet shop license shall be \$50 is \$100.

Sec. 31. 7 MRSA §3934, as enacted by PL 1987, c. 383, §3, is repealed.

Sec. 32. 7 MRSA §3936, as enacted by PL 1987, c. 383, §3, is amended to read:

§3936. Inspection and quarantine

1. **Inspection and quarantine.** The beard commissioner, a state humane agent, a veterinarian employed by the State or a licensed veterinarian at the direction of the beard commissioner may, at any reasonable time, enter any kennel, boarding kennel, breeding kennel or pet shop, except any building used for human habitation recognized as not subject to search warrant, and make examinations and conduct any recognized tests for the existence of any contagious or infectious diseases or conditions. The beard commissioner may inspect kennels, boarding kennels, breeding kennels and pet shops in accordance with the sanitation and health rules established by the ~~Department of Agriculture, Feed and Rural Resources~~ department. A veterinarian employed by the State or any licensed veterinarian may quarantine the kennel, boarding kennel, breeding kennel or pet shop, in person or by registered mail, and the quarantine shall must be maintained as long as the beard department determines necessary. The decision and order for this quarantine shall is not be considered licensing or an adjudicatory proceeding as defined by the Maine Administrative Procedure Act, ~~Title 5, chapter 375~~.

2. **Suspension of license.** The Administrative Court, upon complaint of the beard commissioner or the Attorney General, may revoke or suspend a kennel, boarding kennel, breeding kennel or pet shop license, ~~provided that any if~~ a person maintaining the kennel, boarding kennel, breeding kennel or pet shop violates any quarantine or maintains animals contrary to the rules ~~promulgated~~ adopted by the beard department or fails to keep records required by the beard department.

Sec. 33. 7 MRSA §3942, as enacted by PL 1987, c. 383, §3, is amended to read:

§3942. Issuance of dog licenses

2 Municipal clerks shall issue dog licenses in accordance with
chapter 721, receive the license fees and pay to the beard
4 department all fees received for dogs capable of producing young
and \$2 from each license fee received for dogs incapable of
6 producing young. The clerks shall keep a record of all licenses
issued by them, with the names of the owners or keepers of dogs
8 licensed and the sex, registered numbers and description of all
dogs except those covered by a kennel license. The clerks shall
10 make a monthly report to the beard department on a beard-approved
department-approved form of all dog licenses issued and fees
12 received.

14 ~~All license fees received from owners or keepers of~~ The
clerks shall retain \$1 from each license fee received for dogs
16 incapable of producing young ~~shall be retained by the~~
municipality and use these fees in accordance with section 3945.

18 **Sec. 34. 7 MRSA §3943, sub-§1**, as amended by PL 1991, c. 264,
20 §1, is further amended to read:

22 **1. Procedure.** Between January 1st and April 30th annually,
the municipal officers of each municipality shall issue a warrant
24 with the names and addresses of all owners or keepers of
unlicensed dogs to one or more police officers, constables,
26 sheriffs or animal control officers, directing them to send a
notice of violation by certified mail, return receipt requested,
28 to the last-known address of the owners or keepers or call on the
owners or keepers. The warrant must further direct that demand
30 be made on the owners or keepers to obtain a license from the
municipal clerk within 7 days from the date of demand and remit
32 to the clerk the license and recording fees plus a late fee of \$6
\$10. Finally, the warrant must direct the police officer,
34 constable, sheriff or animal control officer to enter summons and
complaint as soon as possible for all owners or keepers so
36 notified who fail to comply with the order.

38 **Sec. 35. 7 MRSA §3943, sub-§3**, as amended by PL 1991, c. 264,
40 §2, is further amended to read:

42 **3. Payments to officers.** Payment to certain officers shall
must be as follows.

44 A. The municipal clerk shall deposit the \$6 \$10 late fee
collected from all dog owners and keepers in a separate
46 account pursuant to section 3945.

48 B. Officers rendering services ~~shall receive~~ are entitled
to compensation as the municipal officers may determine.

2 **Sec. 36. 7 MRSA §3944**, as enacted by PL 1987, c. 383, §3, is
amended to read:

4 **§3944. Issuance of kennel licenses**

6 Municipal clerks shall issue kennel licenses to kennel
8 owners or operators in accordance with section 3931, provided
that the dogs are kept within a proper enclosure as defined by
10 the board department. The clerks shall receive the license fees,
pay them to the board department and make a monthly report to the
12 board department on a board-approved department-approved form of
all kennel licenses issued and fees received.

14 **Sec. 37. 7 MRSA §3946**, as enacted by PL 1987, c. 383, §3, is
16 amended to read:

18 **§3946. Dog recorders in unorganized territories**

20 Dog recorders appointed by the board commissioner in
unorganized territories shall issue dog licenses, receive the
22 license fees and pay them to the board department. The recorders
shall keep a list of all licenses issued by them as of January
24 1st of each year, with the names of the owners or keepers of dogs
licensed and setting forth the sex, registered numbers and
26 description of all dogs, except those covered by a kennel
license, opposite the names of their respective owners or keepers.

28 A return of the list shall must be made to the board
30 department on a board-approved department-approved form on or
before June 1st of each year.

32 **Sec. 38. 7 MRSA §3947**, as amended by PL 1987, c. 643, §3, is
34 further amended to read:

36 **§3947. Animal control officers**

38 Each municipality shall appoint one or more animal control
officers whose duties shall ~~be~~ are enforcement of sections 3911,
40 3912, 3921, 3924, 3943, 3948, 3950, 3950-A and 3966 to 3970 and
such other duties to control animals as the municipality may
42 require.

44 Animal control officers must be certified in accordance with
section 3906-B, subsection 4. Upon initial appointment, an
46 animal control officer must complete training and be certified by
the commissioner within 6 months of appointment.

48 **Sec. 39. 7 MRSA §3950**, as enacted by PL 1987, c. 383, §3, is
50 amended to read:

2 **§3950. Local regulations**

4 Each municipality is empowered to adopt or retain more
6 stringent ordinances, laws or regulations dealing with the
8 subject matter of this chapter, except that municipalities may
not adopt breed-specific ordinances, laws or regulations. Any
less restrictive municipal ordinances, laws or regulations are
invalid and of no force and effect.

10 **Sec. 40. 7 MRSA c. 743 is enacted to read:**

12 **CHAPTER 743**

14 **EQUINE ACTIVITIES**

16 **§4101. Definitions**

18 As used in this chapter, unless the context otherwise
20 indicates, the following terms have the following meanings.

22 1. Boarding stable. "Boarding stable" means a place,
24 building or tract of land in or on which privately owned equines
are kept for their owners in return for a fee.

26 2. Commercial riding facility. "Commercial riding
28 facility" means a place, building or tract of land in or on which
equines are kept for the purpose of offering to the public
recreational riding or instruction in riding or driving.

30 3. Engage in an equine activity. "Engage in an equine
32 activity" means to ride, train, drive or be a passenger on an
34 equine, whether mounted or unmounted. "Engage in an equine
36 activity" does not mean to observe an equine activity or
participate in an equine activity in a capacity other than
riding, training, driving or riding as a passenger on an equine.

38 4. Equine. "Equine" means a horse, pony, mule, donkey or
40 hinny. "Equine" does not mean a standardbred horse owned or kept
for harness racing in accordance with Title 8, chapter 11.

42 5. Equine activity. "Equine activity" means one or more of
44 the following:

46 A. Equine shows, fairs, competitions, performances or
48 parades that involve any breeds of equines and any of the
50 equine disciplines, including, but not limited to, dressage,
hunter and jumper horse shows, grand prix jumping, 3-day
events, combined training, rodeos, driving, pulling,
cutting, polo, steeplechasing, endurance trail riding,
western games and hunting;

- 2 B. Equine training or teaching activities;
- 4 C. Boarding equines;
- 6 D. Riding, inspecting or evaluating an equine belonging to
8 another person, whether or not the owner has received some
10 monetary consideration or other thing of value for the use
 of the equine or is permitting a prospective purchaser of
 the equine to ride, inspect or evaluate the equine; and
- 12 E. Rides, trips, hunts or other equine activities of any
14 type, however informal or impromptu, that are sponsored by
 an equine activity sponsor.

16 "Equine activity" does not include harness racing.

18 6. Equine activity sponsor. "Equine activity sponsor"
20 means an individual, group, club, partnership or corporation,
 whether operating for profit or nonprofit, that sponsors,
22 organizes or provides the facilities for an equine activity,
 including, but not limited to: pony clubs; 4-H clubs; hunt clubs;
24 riding clubs; classes or programs sponsored by a school or
 college; therapeutic riding programs; and operators, instructors
26 and promoters of equine facilities at which equine activities are
 held, including, but not limited to, stables, clubhouses,
28 ponyride strings, fairs and arenas.

30 7. Equine professional. "Equine professional" means a
 person engaged for compensation:

- 32 A. In instructing a participant or renting to a participant
34 an equine for the purpose of riding, driving or being a
 passenger on the equine; or
- 36 B. In renting equipment or tack to a participant.

38 8. Inherent risks of equine activities. "Inherent risks of
40 equine activities" means those dangers or conditions that are an
 integral part of equine activities, including, but not limited to:

- 42 A. The propensity of an equine to behave in ways that may
44 result in injury, harm or death to persons on or around the
 equine;
- 46 B. The unpredictability of an equine's reaction to such
48 things as sounds, sudden movement and unfamiliar objects,
 persons or other animals;
- 50 C. Certain hazards, such as surface or subsurface
 conditions;

2 D. Collisions with other equines or objects; and

4 E. The potential of a participant to act in a negligent
6 manner that may contribute to injury to the participant or
8 others, such as failing to maintain control over the equine
 or not acting within the participant's ability.

10 9. Participant. "Participant" means a person, whether
12 amateur or professional, who directly engages in an equine
 activity, whether or not a fee is paid to participate in the
 equine activity.

14 **§4102. Boarding stables and commercial riding facilities;**
 equine activities

16 1. License required. A person who boards more than 2
18 equines for payment or operates a commercial riding facility with
20 more than 2 equines shall obtain a license from the department.
 The license expires December 31st annually.

22 2. Equine activity permits. The department shall adopt
24 rules for issuing a permit to an equine activity sponsor when the
 sponsor is not licensed under subsection 1.

26 3. License and permit fees. The department shall by rule
28 establish license fees for boarding stables and commercial riding
30 facilities and permit fees for equine activities sufficient to
32 generate \$5,000 in revenue annually. A license or permit fee may
 not exceed \$50. The department in establishing fees and criteria
 for licensing facilities and permitting activities shall consult
 with the Maine Equine Advisory Council.

34 4. Inspection. The commissioner, a state humane agent or
36 a veterinarian employed by the State, at any reasonable time, may
38 enter a boarding stable or commercial riding facility and make
40 examination and conduct any recognized test for the existence of
 any contagious or infectious disease or condition. The
 department may inspect boarding stables or commercial riding
 facilities to determine compliance with the department's
 sanitation, health and other rules.

42 A veterinarian employed by the State or any licensed veterinarian
44 may quarantine a boarding stable or commercial riding facility in
46 person or by registered mail and the quarantine is maintained as
48 long as the department determines necessary. The decision and
 order for this quarantine is not considered licensing or an
 adjudicatory proceeding under the Maine Administrative Procedure
 Act.

2 **§4103. Liability for equine activities**

4 **1. Adherence to standards of care.** Adherence by an equine
6 activity sponsor or an equine professional with a valid license
or permit issued under section 4102 to the standards of care
8 within the profession creates a rebuttable presumption that the
conduct of the equine activity sponsor or equine professional was
not negligent.

10 **2. Exceptions.** Nothing in this section applies to the
12 horse racing industry or prevents or limits the liability of an
equine activity sponsor or an equine professional:

14 **A. If the equine activity sponsor or the equine**
16 **professional:**

18 **(1) Provides equipment or tack to a participant and**
20 **the equipment or tack causes an injury; or**

22 **(2) Provides an equine to a participant and fails to**
24 **make reasonable and prudent efforts to determine the**
26 **ability of the participant to engage safely in the**
28 **equine activity, the ability of the equine to behave**
safely with the participant and the ability of the
participant to safely manage the particular equine and
an injury occurs;

30 **B. If the equine activity sponsor or the equine**
32 **professional owns, leases, rents or otherwise is in lawful**
34 **possession and control of the land or facilities upon which**
36 **a participant sustains injuries because of a dangerous**
latent condition that was known or should have been known to
the equine activity sponsor or the equine professional and
for which warning signs were not conspicuously posted;

38 **C. If the equine activity sponsor or equine professional**
40 **commits an act or omission that constitutes negligent**
disregard for the safety of the participant and that act or
omission causes an injury;

42 **D. If the equine activity sponsor or the equine**
44 **professional intentionally injures the participant; or**

46 **E. Under liability provisions as provided in Title 14,**
section 221.

48 **§4104. Posting requirement**

2 An equine professional shall post and maintain signs that
3 contain the warning notice specified in this section. These
4 signs must be placed in a clearly visible location on or near
5 stables, corrals or arenas that are owned, managed or controlled
6 by the equine professional. The warning notice specified in this
7 section must appear on the sign in black letters, with each
8 letter a minimum of one inch in height. A written contract
9 entered into by an equine professional for the provision of
10 professional services, instruction or the rental of equipment,
11 tack or an equine to a participant, whether or not the contract
12 involves equine activities on or off the location or site of the
13 equine professional's business, must contain in clearly readable
14 print the following warning notice:

16 "WARNING
17
18 UNDER MAINE LAW, IN THE CASE OF INJURY TO OR DEATH OF A
19 PARTICIPANT IN EQUINE ACTIVITIES, AN EQUINE PROFESSIONAL IS
20 PRESUMED NOT NEGLIGENT IF THE PROFESSIONAL ADHERED TO THE
21 STANDARDS OF CARE WITHIN THE PROFESSION (7 MRSA §4103)."

22 Sec. 41. 17 MRSA §1011, sub-§5, as enacted by PL 1987, c. 383,
23 §4, is amended to read:

24
25 5. Animal control shelter. "Animal control shelter" means
26 the an animal shelter designated by municipal officers in
27 accordance with Title 7, section 3949.

28
29 Sec. 42. 17 MRSA §1011, sub-§§5-A, 8-A and 12-A are enacted to
30 read:

31
32 5-A. Animal shelter. "Animal shelter" means a facility
33 that includes a physical structure or part of a physical
34 structure that provides temporary or permanent shelter to stray,
35 abandoned, abused or owner-surrendered animals. "Animal shelter"
36 includes animal control shelters as defined in subsection 5.

37
38 8-A. Breeding kennel. "Breeding kennel" means a kennel
39 operated for the purpose of breeding or buying, selling or in any
40 way exchanging dogs that exchanges more than 12 dogs in a
41 12-month period.

42
43 12-A. Equine facility. "Equine facility" means a boarding
44 stable or commercial riding facility that requires a license
45 under Title 7, section 4102.

46
47 Sec. 43. 17 MRSA §1011, sub-§15, as enacted by PL 1987, c.
48 383, §4, is repealed and the following enacted in its place:

2 15. Humane agent. "Humane agent" means an employee of the
3 Department of Agriculture, Food and Rural Resources or an
4 intermittent employee of the board who assists in enforcing this
5 chapter.

6
7 Sec. 44. 17 MRSA §1011, sub-§§15-A and 22-A are enacted to
8 read:

9
10 15-A. Humane society. "Humane society" means a nonprofit
11 group or organization incorporated for the purpose of providing
12 physical service directly to abused and abandoned animals,
13 improving the conditions of animals, providing education
14 concerning animals or fund-raising to promote animal welfare.

15 22-A. Pet animal. "Pet animal" means an animal kept by a
16 private individual and not excluded by this subsection. "Pet
17 animal" includes dogs kept in a kennel as defined in subsection
18 17. "Pet animal" does not include an animal kept and used by a
19 commercial farmer, a harness racing horse or an animal used in a
20 pulling event. "Pet animal" does not include an animal kept in a
21 boarding kennel, breeding kennel, animal control shelter, equine
22 facility or pet shop.

23 Sec. 45. 17 MRSA §1021, sub-§1, as enacted by PL 1987, c. 383,
24 §4, is amended to read:

25 1. Possession. ~~The board,~~ a humane agent, sheriff,
26 deputy sheriff, constable, police officer, animal control
27 officer, or person authorized to make arrests or, in a case
28 involving a pet animal, the board may apply to the District Court
29 or the Superior Court for authorization:

30 A. To take possession of any maimed, disabled, diseased,
31 dehydrated, malnourished or injured animal or any animal
32 whose owner has cruelly abandoned or cruelly treated it and
33 turn over the animal to the applicant or other suitable
34 person; or

35 B. To cause the animal to be disposed of humanely.

36 Sec. 46. 17 MRSA §1021, sub-§4, ¶A, as amended by PL 1987, c.
37 736, §27, is further amended by amending the first paragraph to
38 read:

39 A. ~~The board,~~ a humane agent, sheriff, deputy sheriff,
40 constable, police officer, animal control officer or, person
41 authorized to make arrests or, in a case involving a pet
42 animal, the board may apply to the District Court, Superior
43 Court or a justice of the peace for an ex parte order for
44

2 authorization to take possession of any maimed, disabled,
3 diseased, dehydrated, malnourished or injured animal or any
4 animal whose owner has cruelly abandoned or cruelly treated
5 it and turn it over to the applicant or any other suitable
6 person.

7 **Sec. 47. 17 MRSA §1021, sub-§5, ¶A,** as enacted by PL 1987, c.
8 383, §4, is amended to read:

9
10 A. Whenever ~~the board,~~ a humane agent ~~or,~~ a person
11 authorized to make arrests or, in a case involving a pet
12 animal, the board has reason to believe that an animal may
13 be disabled, diseased, dehydrated or malnourished, the
14 board, humane agent or person shall apply to the District
15 Court or Superior Court for authorization to take possession
16 of the animal and turn it over to the applicant or other
17 suitable person for examination and observation for a 30-day
18 period. At the end of 30 days, the court shall must receive
19 a report from the person in possession of the animal and
20 either dissolve the possession order or set the matter for
21 hearing within 30 days.

22
23 **Sec. 48. 17 MRSA §1022,** as enacted by PL 1987, c. 383, §4, is
24 amended to read:

25 **§1022. Prevention of cruelty**

26
27 The board commissioner or any person authorized to make
28 arrests may lawfully interfere to prevent the perpetration of any
29 act of cruelty upon an animal in his that person's presence. The
30 board may lawfully interfere to prevent the perpetration of any
31 act of cruelty upon a pet animal.

32
33 **Sec. 49. 17 MRSA §1023,** as amended by PL 1989, c. 701, §5 and
34 affected by §6, is further amended to read:

35 **§1023. Investigation and reporting of cruelty**

36
37
38 1. **Investigation.** Sheriffs, deputy sheriffs, police
39 officers, constables, animal control officers and humane agents
40 shall investigate cases of cruelty to animals coming to their
41 attention and report them to the board Department of Agriculture,
42 Food and Rural Resources on ~~a---board-approved---~~ form
43 department-approved forms. The department shall refer all cases
44 of cruelty to pet animals to the board. Upon completion of an
45 investigation, the board for a case involving a pet animal and
46 the department for any other case shall, if requested, report the
47 result of the investigation to the person complaining of alleged
48 cruelty.

2 **2. Commissioner role.** The commissioner ~~may--assume~~ has
3 responsibility for the investigation of any complaints received
4 ~~by--the--board~~ that involve commercial farmers, harness racing
5 horses ~~or,~~ animals used in pulling events or any animal other
6 than a pet animal as defined in section 1011. When conducting an
7 investigation, the commissioner shall determine if acceptable
8 animal husbandry practices are or were complied with and shall
9 ~~report--any--findings--and--recommendations--to--the--board--for--its~~
10 ~~consideration~~ make recommendations accordingly.

12 **Sec. 50. 17 MRSA §1045,** as enacted by PL 1987, c. 383, §4, is
13 amended to read:

14 **§1045. Inspection**

15 The ~~board~~ Department of Agriculture, Food and Rural
16 Resources may inspect or investigate any facility in which cats
17 or dogs are destroyed.

18 **Sec. 51. PL 1991, c. 622, Pt. X, §15 and Pt. FF, §§1 to 17 and §18,**
19 **sub-§§1 to 4** are repealed.

20 **Sec. 52. Department charged.** The Commissioner of Agriculture,
21 Food and Rural Resources shall review all statutes that relate to
22 animal welfare and shall prepare legislation needed to amend the
23 laws to conform to the provisions of this Act.

24 The commissioner shall review the cash flow operations of
25 the Animal Welfare Fund and submit a report by January 10, 1993
26 to the joint standing committee of the Legislature having
27 jurisdiction over agricultural matters and to the Office of the
28 Executive Director of the Legislative Council on the findings of
29 this review. The commissioner shall prepare any implementing
30 legislation necessary to alleviate cash flow problems for the
31 fund arising from the current collection schedule for license
32 fees. This legislation may include revising the expiration dates
33 of various licenses that pay into the fund.

34 The commissioner shall submit any legislation developed in
35 accordance with this section to the First Regular Session of the
36 116th Legislature by January 30, 1993.

37 **Sec. 53. Transition.** To ensure the orderly transfer of the
38 duties of the former Animal Welfare Board to the Department of
39 Agriculture, Food and Rural Resources and to the newly
40 established Animal Welfare Board, the following transition
41 provisions apply.

2 1. Upon the effective date of this Act, all funds in the
Animal Welfare Board account are transferred to the department
4 for deposit in the Animal Welfare Fund.

6 2. The Animal Welfare Board, as established in the Maine
Revised Statutes, Title 5, section 12004-G, is abolished on the
8 effective date of this Act. The terms of all members expire on
the effective date of this Act. The department shall assume all
10 duties and responsibilities of the board until the newly created
board is appointed.

12 3. All positions within the former Animal Welfare Board are
14 abolished on the effective date of this Act.

16 4. All existing rules and procedures in effect, in
operation or promulgated by the former Animal Welfare Board
18 continue in effect until rescinded, revised or amended by the
department.

20 **Sec. 54. Implementation.** The Department of Agriculture, Food
22 and Rural Resources shall assign the following responsibilities:

- 24 1. To the division of regulation:
- 26 A. Promulgation of rules;
- 28 B. Enforcement of dog licensing laws;
- 30 C. Licensing and inspection of animal shelters, boarding
kennels, breeding kennels and pet shops;
- 32 D. Payment of animal shelter claims;
- 34 E. Operation of a referral system to refer all complaints
36 of cruelty to animals to the appropriate agency; and
- 38 F. Investigation of complaints of animal cruelty involving
animal shelters, boarding kennels, breeding kennels and pet
40 shops; and
- 42 2. To the division of veterinary services:
- 44 A. Adoption of rules for licensing equine facilities;
- 46 B. Licensing and inspecting equine facilities; and
- 48 C. Investigation of complaints of cruelty to animals when
the complaints involve commercial farmers, harness racing
50 horses, pulling animals or licensed equine facilities.

2 **Sec. 55. Appropriation.** The following funds are appropriated
 4 from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
6 AGRICULTURE, FOOD AND RURAL		
8 RESOURCES, DEPARTMENT OF		
10 Public Services - Agriculture		
12 All Other	\$25,000	\$125,000
14 Provides funds for a working		
16 capital advance to the Animal		
18 Welfare Fund to assist with		
20 the department's cash flow to		
22 administer the dedicated		
revenue program. Funds		
required for this purpose		
must be returned to the		
General Fund no later than		
June 30, 1993.		
24 DEPARTMENT OF AGRICULTURE,		
26 FOOD AND RURAL RESOURCES		
TOTAL	<u>\$25,000</u>	<u>\$125,000</u>
28 ANIMAL WELFARE BOARD		
30 Animal Welfare		
32 Positions		(-4.0)
34 Personal Services		(\$175,696)
All Other		100,000
36 TOTAL		<u>(\$75,696)</u>
38 Provides for the		
40 deappropriation of funds from		
42 the elimination of all		
44 authorized positions and		
provides funds for		
contractual services to		
privatize the Animal Welfare		
Board.		
46 Animal Welfare		
48 All Other		(\$100,000)

COMMITTEE AMENDMENT

COMMITTEE AMENDMENT "A" to S.P. 696, L.D. 1861

2 Provides for the
 4 deappropriation of funds from
 the elimination of
 6 contractual services to
 privatize the Animal Welfare
 Board.

8
 10 **ANIMAL WELFARE BOARD**
TOTAL (\$175,696)

12
 14 **TOTAL APPROPRIATIONS** \$25,000 (\$50,696)

16 **Sec. 56. Allocation.** The following funds are allocated from
 the Animal Welfare Fund to carry out the purposes of this Act.

18 1991-92 1992-93

20 **AGRICULTURE, FOOD AND RURAL**
RESOURCES, DEPARTMENT OF

22 **Public Services - Agriculture**

24 Positions	(4.0)	(4.0)
26 Personal Services	\$37,977	\$151,906
28 All Other	55,730	117,000
30 TOTAL	\$93,707	\$268,906

32 Provides funds for 2 District
 Humane Agent positions,
 34 intermittent Humane Agent
 positions, one part-time
 Clerk Typist II position (32
 36 hours), one part-time Account
 Clerk II position (32 hours),
 38 animal shelter claims, Animal
 Welfare Board expenses,
 40 outstanding bills and other
 general operating expenses.

42 **Agricultural Production**

44 Positions	(1.0)	(1.0)
46 Personal Services	\$8,313	\$33,250
48 All Other	2,375	9,500
TOTAL	\$10,688	\$42,750

2 Provides funds for one
3 District Humane Agent
4 position and general
5 operating expenses to respond
6 to animal abuse complaints
7 and license equine facilities.

8 **Public Services - Agriculture**

10 All Other \$150,000

12 Provides funds for the
13 repayment of the working
14 capital advance to the
15 General Fund. These funds
16 must be repaid by the
17 Department of Agriculture,
18 Food and Rural Resources to
19 the General Fund no later
20 than June 30, 1993.

22	DEPARTMENT OF AGRICULTURE,		
23	FOOD AND RURAL RESOURCES		
24	TOTAL	\$104,395	\$461,656

26 **Sec. 57. Retroactivity.** Section 51 of this Act takes effect
27 retroactively to December 23, 1991.

30 **Sec. 58. Effective date.** This Act takes effect March 31, 1992,
31 except sections 26, 34, 35 and 40 of this Act take effect July 1,
32 1992.

34 **Emergency clause.** In view of the emergency cited in the
35 preamble, this Act takes effect when approved, except as
36 otherwise indicated.

38 **FISCAL NOTE**

40		1991-92	1992-93
42	APPROPRIATIONS/ALLOCATIONS		
44	General Fund	\$25,000	(\$50,696)
46	Other Funds	104,395	461,656

2 REVENUES

4	General Fund		\$61,744
	Other Funds	\$113,920	463,136

6
8 This bill includes General Fund appropriations of \$25,000 in
10 fiscal year 1991-92 and \$125,000 in fiscal year 1992-93 as
12 working capital advances to the Animal Welfare Fund. These funds
14 will be repaid to the General Fund no later than June 30, 1993,
16 resulting in additional General Fund revenue of \$150,000 in
fiscal year 1992-93. The loss of interest income to the General
Fund can not be estimated at this time. Dedicating the \$1 fee
for every dog license will decrease General Fund revenue by
\$88,256 in fiscal year 1992-93.

18 In fiscal year 1992-93, \$100,000 is deappropriated as a
20 result of the elimination of contractual services required by the
privatization of the Animal Welfare Board.

22 This bill also includes a deappropriation of \$75,696 in
24 fiscal year 1992-93 to recognize General Fund savings from the
elimination of all authorized positions of the Animal Welfare
Board as a result of Public Law 1991, chapter 622. The
26 Governor's proposed supplemental budget bill, Legislative
Document 2185, also deappropriates \$75,696 from the Animal
28 Welfare Board.

30 This bill moves the Animal Welfare Board within the
Department of Agriculture, Food and Rural Resources and
32 establishes a dedicated Animal Welfare Fund to administer the
animal welfare laws in the State of Maine. The Department of
34 Agriculture, Food and Rural Resources will require an allocation
of \$104,395 in fiscal year 1991-92 and \$311,656 in fiscal year
36 1992-93 for necessary staff and general operating expenses.

38 The Department of Agriculture, Food and Rural Resources will
collect dedicated revenue of \$113,920 in fiscal year 1991-92 and
40 \$463,136 in fiscal year 1992-93. This revenue includes funds
from the General Fund working capital advances: \$25,000 in
42 fiscal year 1991-92 and \$125,000 in fiscal year 1992-93. It also
includes the continuation of dog licensing and other current
44 licensing programs, a \$1 fee for every dog license issued
previously deposited in the General Fund pursuant to Public Law
46 1991, chapter 591 and a \$1 fee for neutered dogs, previously
collected by municipalities. New license fees are established
48 for the equine industry and certain animal shelter facilities.

2 This bill establishes a dedicated spaying and neutering fund
4 to subsidize the spaying and neutering of dogs and cats. The
6 exact increase in revenue and required allocations can not be
determined at this time.'

8 STATEMENT OF FACT

10 This amendment replaces the original bill. It abolishes the
12 current 11-member Animal Welfare Board and establishes a 5-member
14 Animal Welfare Board. The newly created board is responsible for
investigating complaints of cruelty to pet animals and enforcing
16 cruelty-to-animal laws with respect to pet animals. The
Department of Agriculture, Food and Rural Resources is charged
18 with carrying out the dog licensing laws and enforcing the
cruelty-to-animal laws as they apply to all animals not within
20 the definition of "pet animals." This amendment establishes a
6-member Animal Welfare Advisory Committee to advise the
Commissioner of Agriculture, Food and Rural Resources on animal
welfare matters.

22 The amendment enacts a definition of "animal shelter,"
24 requires licensing of all animal shelters and clarifies the
responsibilities of animal control shelters. Definitions of
26 "breeding kennels," "boarding stables" and "commercial riding
facilities" are enacted and licenses required. The department is
28 charged with inspecting these facilities along with boarding
kennels, pet shops and animal shelters.

30 This amendment requires cat owners to have their cats
32 vaccinated against rabies and directs the department to assist in
establishing low-cost antirabies clinics. The amendment provides
34 for payment of various licensing fees into a dedicated revenue
account, the Animal Welfare Fund. The amendment raises the late
36 fee for licensing dogs from \$6 to \$10. It also raises license
fees for pet shops, boarding kennels and kennels.

38 This amendment provides for training and certification of
40 animal control officers. It enacts a chapter defining equine
activities, provides for licensing of equine facilities and
42 places limitations on civil liability for injuries resulting from
equine activities.

44 This amendment repeals Public Law 1991, chapter 622, Part X,
46 section 15 and Part FF, sections 1 to 17 and section 18,
subsections 1 to 4. It provides for transfer of responsibilities
48 from the former Animal Welfare Board to the newly created board
and to the department.

50 The amendment also adds a fiscal note to the bill.
52

Reported by Senator Twitchell from the Committee on Agriculture.
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